

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

THERESA JAMES, et al,

Plaintiffs,

v.

CV 09-540 JB/CG

MARTIN J. CHAVEZ, et al.,

Defendants.

PROPOSED FINDINGS AND RECOMMENDED DISPOSITION

THIS MATTER is before the Court on Defendants' *Unopposed Motion to Reset Firm Trial Setting and Certain Discovery and Pretrial Deadlines and Hearings* ('Motion') (Doc. 82). Defendants state that, due to the withdrawal of Plaintiff's counsel, certain discovery deadlines should be extended. The Court, having considered the Motion, and otherwise being fully advised in the premises, **RECOMMENDS** that the Motion be **GRANTED**.

Plaintiff has filed suit against several Albuquerque city officials and police officers in connection with the shooting death of Plaintiff's husband, Jay Murphy, Sr. (Doc. 1 at 3-9). Plaintiff was represented by counsel at the outset of the case, but Plaintiff's counsel recently moved to withdraw since Plaintiff could not sustain the costs of litigation. (Doc. 66). United States District Judge James O. Browning granted the motion to withdraw and subsequently referred the case to this Court. (Doc. 74; Doc. 75). Plaintiff states that she has been searching diligently to obtain new counsel. (Doc. 79).

Prior to the withdrawal of Plaintiff's counsel, discovery had been proceeding and the deadline by which to complete discovery had been set for April 1, 2011. (Doc. 67 at 2). In

order to allow Plaintiff and any new attorney she retains a fair opportunity to prepare for trial, Defendants move to vacate the current discovery deadlines and to establish new discovery deadlines. (Doc. 82 at 2). Plaintiff does not oppose Defendants' Motion. The Court finds the Defendants' Motion to be well-taken.

IT IS THEREFORE RECOMMENDED

A. That District Judge Browning vacate the discovery, discovery-related motions, dispositive motions deadlines, and jury selection/trial date set by the Stipulated Order Setting Jury Selection/Trial and Resetting of Certain Pretrial Deadlines and Hearings. (Doc. 67);

B. That **May 2, 2011** be set as the deadline by which Plaintiffs shall identify to City Defendants in writing any expert witness to be used by Plaintiffs at trial and to provide expert reports pursuant to Fed. R. Civ. P. 26(a)(2)(B);

C. That **May 30, 2011** be set as the deadline by which City Defendants shall identify to all parties in writing any expert witness to be used by City Defendants at trial and to provide expert reports pursuant to Fed. R. Civ. P. 26(a)(2)(B);

D. That **August 5, 2011** be set as the termination date for all discovery by all parties;

E. That **August 24, 2011** be set as the deadline for the filing of all Daubert motions;

F. That **August 24, 2011** be set as the deadline for the filing of all motions relating to discovery;

G. That **August 30, 2011** be set as the deadline for the filing of all pretrial motions, except Daubert motions;

H. That **September 30, 2011** be set as the deadline for Plaintiffs to serve their portion of the Pretrial Order on City Defendants;

I. That **October 10, 2011** be set as the deadline for City Defendants to file the Consolidated Pretrial Order with the Court;

J. That District Judge Browning set a Daubert hearing at his discretion in accordance with this Proposed Findings and Recommended Disposition;

K. That District Judge Browning set a pre-trial conference at his discretion in accordance with this Proposed Findings and Recommended Disposition;

L. That District Judge Browning set a firm date for jury selection and trial in this case.

THE PARTIES ARE FURTHER NOTIFIED THAT WITHIN 14 DAYS OF SERVICE of a copy of these Proposed Findings and Recommended Disposition they may file written objections with the Clerk of the District Court pursuant to 28 U.S.C. § 636(b)(1). **A party must file any objections with the Clerk of the District Court within the fourteen-day period if that party wants to have appellate review of the proposed findings and recommended disposition. If no objections are filed, no appellate review will be allowed.**



THE HONORABLE CARMEN E. GARZA
UNITED STATES MAGISTRATE JUDGE